COLT ANDREWS CONSTRUCTION SUBCOMMITTEE

MEETING MINUTES

Tuesday, May 27, 2008; 6 p.m.

Oliver Bldg.

PRESENT

Marjorie McBride, Chair

David Dugan

Paul Brule

Dr. Edward Mara, Superintendent of Schools

Jane Correia, Director of Administration & Finance

George Simmons, Facilities & Plant Manager

Roger Lemieux, Civil Engineer from Cataldo Associates

Christopher Daly, Project Manager from Farrar Associates

Luis Torrado, President from Torrado Associates

Chair Marjorie McBride called to order the Colt Andrews Construction Subcommittee at approximately 6:06 p.m.

Project Manager Christopher Daly addressed the committee regarding the three most important issues at hand. They included: additional fees requested by the civil engineer which were not included as part of the original scope; Change Order Request #95R

the additional storm drainage work at Andrews; and Change Order Request #98 the tapping into connections for the water and the fire protection services.

Concerning Change Order Request #95, Mr. Daly gave a brief background overview of the present situation. Through the course of the project it was found that additional connections would have to be made that where not anticipate and not part of the original scope of the project. Originally the Change Order Request was for \$179,000 which was felt to be extremely high and ways to reduce this cost were investigated. After many meetings and discussions, through the process of due diligence, the request was brought down to \$139,000. Last Friday, Mr. Daly received a final cost proposal of \$124,281. All acknowledged that the work had to be done in order to keep the Colt Andrews Project going forward. Mr. Daly stated he was confident with the recommendations of the consultants, namely Mr. Torrado and Mr. Lemeiux, and believes a recommendation for the approval and payment of COR #95R should be made to the Full Building committee by the Subcommittee.

However, Mr. Paul Brule then took the floor and discussed, what he believed, to be several discrepancies relative to COR #95R. He stated that he believes the bill should be sent back to Lusi Construction with instructions to price it out reasonably. He made mention of his concerns which included the renting of trench boxes, dump trucks on standby, demobilization of equipment, payment for a flagger, etc. He

believes the proposal to be padded. Mr. Brule speaks from his knowledge of his work in the construction field and he was very passionate about his concerns. Threats by the contractor that he would pull off the project concerned Mr. Brule.

Chair McBride agreed with Mr. Brule's concerns and believes the district was charged at a premium price. However, she reminded everyone that the contractor has also done a lot of work for free. Stating the main objective of this committee is to get the job completed, the school buildings opened and receive the housing aid for the district. She stated, "we have to take some lumps along the way; this is one of those lumps." She reiterated her agreement with Mr. Brule, but again suggested that it was not a big enough situation not to pay it. Mr. Brule believes if the request is recommended for approval and payment is made Lusi will continue to use this type of premium charging in the future and requesting additional monies. Mr. Brule argued that Lusi gets paid in a timely fashion every month. Mr. Brule believes Lusi is looking hard to shut this job down.

Chris Daly reminded everyone that the work is complete. He stated he understood Mr. Brule's concerns, but even knowing this they were asked to proceed to continue the job in harmony. Ultimately the professionals, the architect and civil engineer, did review it and came to the conclusion it was of adequate value. It becomes a 'bit of a trade off," he stated. Although the labor seems to be inflated and unreasonable, the job is done. Mr. Daly did monitor the labor; and all

agreed this would be a very difficult area to litigate.

Chair McBride told Mr. Brule that he could speak to the Full Committee about his concerns but she is not willing to argue the point and take the risk of not having the school open. Considering the project is on time and on budget, she does not want to see the loss of the housing aid.

Mr. Daly explained that so much time, energy and effort has been put into dealing with this particular issue and other issues are being put off due to the time spent on this. The experts are recommending to the committee, in their best judgment, to approve and make payment; and the work needs to continue.

David Dugan made a motion to recommend to the Full Committee the approval and payment of Change Order Request #95R. Marjorie McBride seconded the motion. A vote was taken; and the motion passed with a vote of 2 to 1; Mr. Dugan and Chair McBride voted in favor of the motion. Mr. Brule opposed the motion.

Next, Mr. Daly discussed Change Order Request #98. This Change Order Request relates to the tapping of water service and fire protection service into the municipal lines. There is no debate that it had to be done, was authorized and paid for. In question over the last few weeks was who exactly was liable for the cost. Luis carried the cost of \$13,000 which is one half of the value. Mr. Daly recommended

that the Change Order Request of \$12,722 be approved for payment.

Chair McBride made a motion to recommend to the Full Committee the approval and payment of Change Order Request #98. David Dugan seconded the motion. A vote was taken; and the motion passed with a vote of 2 to 1; Mr. Dugan and Chair McBride voted in favor of the motion. Mr. Brule opposed the motion.

The last issue discussed was in relation to additional civil engineering fees due to the expansion of the scope of the project. Mr. Roger Lemieux, Civil Engineer with Cataldo Associates discussed what was not within the scope of the project. Mr. Lemieux explained that additional surveys had to be conducted due to inconsistencies and errors found with boundary markers and topography. These errors were clearly seen with regards to monumentation, locations of various things on the ground, etc. Additional field verifications had to be conducted. Survey work was requested of Cataldo by Architect Luis Torrado. Mr. Daly stated that various unknown conditions were identified after the project got underway and the Town of Bristol got involved. They were directed to redesign the drawings for drainage around the Andrews site in particular. In order to satisfy the Town, four revisions were made. The work had to be done in order to get Planning Board approvals. Mr. Brule asked Mr. Lemieux if prints were available to him by the Town. Mr. Lemieux replied, "no." Mr. Lemieux did not have any information that drainage went around the building; however, the Town knew it. Mr. Brule asked Mr. Lemieux to submit a

written statement and address it to the Committee citing the fact that he had no knowledge of existing prints, maps or drawings of the drainage layout and that exploration of the system with a camera was inconclusive. This statement would clear both Mr. Lemieux and the District. Mr. Brule also requested from Mr. Lemieux the cost of this work.

Architect Luis Torrado explained additional work for lot merging, surveying and work associated with the zoning variances is reflected in Invoice #s 7, 8 and 9; and Invoice #6 is a summary of previous invoices which includes contracted work and additional survey work. The total request is \$30,995. Mr. David Dugan made a motion to recommend to the Full Committee the approval and payment of \$30,995 to Luis Torrado for additional work as mentioned above. Chair McBride seconded the motion; and the motion passed unanimously. Chair McBride stated that Mr. Lemieux's letter, when received, will be added to the record.

Lastly, it was decided that Jane Correia will send a letter to the Town Treasurer, John Day, requesting that bills be sent directly to Farrar Associates. Presently, Ms. Correia is receiving the bills.

Mr. Dugan made a motion to adjourn the meeting; Chair McBride seconded the motion. The meeting was adjourned at 7:12 p.m.

Respectfully submitted,

Juliann Tanguay